

# FARMINGTON CITY PLANNING COMMISSION

Thursday, July 10, 2008

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## **PLANNING COMMISSION STUDY SESSION**

**Present:** Chairman Kevin Poff, Commission Members Paul Barker, John Bilton, Rick Wyss, Randy Hillier, Steve Andersen, City Planner David Petersen, Assistant City Planner **Glenn Symes**, Alternate Planning Commission Member Jim Young, Recording Secretary Kami Mahan, Farmington resident Sharon Treu, America West Developers representatives Ron Martinez, Ryan Hales, Robert McConnell, and others. Planning Commissioner Craig Kartchner was excused.

**Chairman Poff** began discussion at 6:30 p.m. The following items were reviewed:

### **(Agenda Item #1): Minutes**

The Commission reviewed the minutes of the Planning Commission meeting held June 26, 2008. There were no suggested changes.

### **(Agenda Item #3): Gardner Development - (Public Hearing): Applicant is requesting Conditional Use and Site Plan approval for a proposed Zion's Bank in the Village at Old Farm Development at approximately 1700 North Main Street (C-3-08). The applicant is also requesting a recommendation for Final Plat approval for a minor subdivision dividing the Zion's Bank site from the remaining portion of the development area. (S-05-08).**

A letter dated May 7, 2007, from the City to Todd Sorensen of the Gardner Development Company was distributed regarding the Commission's previous approval of the Preliminary Master Plan for the Village at Old Farm. **Glenn Symes** reviewed the background information on this matter and said that the 100 foot setback in the NMU zone is the biggest concern. He said City Engineer **Paul Hirst** would be present to discuss traffic and dedication issues.

[**Rick Wyss** arrived at the meeting at 6:40 p.m. and **Paul Hirst** arrived at 6:42 p.m.]

**Mr. Hirst** reviewed the past problems of the Somerset intersection, and explained the future difficulties which will likely occur when commuter traffic significantly increases. There was discussion on the best course to pursue in the meantime, and **Mr. Hirst** proposed re-striping Main Street and re-evaluating the transportation impact study.

The Commission discussed the conditions contained in the May 7<sup>th</sup>, 2007, letter, the suggested motions, and phasing of the project.

**(Agenda Item #5): JSA Properties (Burt Bros.) - (Public Hearing): Applicant is requesting Conditional Use and Site Plan approval for a proposed Burt Bros. Quick Lube Station on property at approximately 1291 North Highway 89 (SP-04-08). The applicant is also requesting a recommendation for Schematic Plan approval for a minor subdivision amending the Shepard Crossing Subdivision dividing the Quick Lube site from Lot 2 of the recorded plat.**

Glenn Symes reviewed this Agenda item and said a cross-access parking agreement is needed. The parking situation was briefly discussed, and David Petersen said that neighbors will need to sign an amended plat if it is approved.

[John Bilton arrived at the meeting at 6:35]

**(Agenda Item #7): Farmington City - Consideration of a recommendation to amend Chapter 39 of the zoning ordinance regarding Historic Buildings and Sites (ZT-11-07).**

The Commission briefly reviewed the appeal process, and it was pointed out that the ordinance needs to be reviewed by City Attorney Todd Godfrey.

**(Agenda Item #8): America West Development - (Public Hearing): Applicant is requesting approval of a Project Master Plan for approximately 12.86 acres of property located between Clark Lane, 1100 West and the former D&RG.**

David Petersen reviewed this item and the possible options the Commission could take, and that Staff's recommendation is to work with the developer.

Paul Hirst said that sufficient water and fire protection will be provided for the development as a whole. However, density is greater than anticipated and the water master plan needs to be reconsidered. The number of gallons proposed seems excessive. More time is needed to resolve impact fees and other issues.

The meeting adjourned at 7:02 p.m.

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## **PLANNING COMMISSION REGULAR SESSION**

***Present:*** Chairman Kevin Poff, Commission Members Paul Barker, John Bilton, Rick Wyss, Steve Anderson, City Planner David Petersen, Assistant City Planner Glenn Symes, City Engineer Paul Hirst, and Recording Secretary Kami Mahan. Planning Commissioner Craig Kartchner was excused.

Chairman Poff called the meeting to order at 7:05 p.m. Steve Andersen offered the invocation. Chairman Poff excused Commissioners Randy Hillier and Craig Kartchner.

**APPROVAL OF MINUTES (Agenda Item #1)**

The minutes of the June 26, 2008, Planning Commission meeting were reviewed during the study session.

**Motion**

**Jim Young** moved to approve the minutes of the Planning Commission meeting held June 26, 2008. **John Bilton** seconded the motion, which was unanimously approved. **Steve Andersen** abstained due to his absence from that meeting.

**CITY COUNCIL REPORT (Agenda Item #2)**

**Glenn Symes** reported the proceedings of the City Council meeting held on May 6, 2008. He covered the following items:

- The City Council reviewed the TOD Ordinance.
- The City Council adopted the ordinance amending zoning text in the CMU Zone.

**GARDNER DEVELOPMENT - (PUBLIC HEARING): APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL FOR A PROPOSED ZION'S BANK IN THE VILLAGE AT OLD FARM DEVELOPMENT AT APPROXIMATELY 1700 NORTH MAIN STREET (C-3-08). THE APPLICANT IS ALSO REQUESTING A RECOMMENDATION FOR FINAL PLAT APPROVAL FOR A MINOR SUBDIVISION DIVIDING THE ZION'S BANK SITE FROM THE REMAINING PORTION OF THE DEVELOPMENT AREA (S-05-08). (Agenda Item #3)**

**Background Information***Site Plan*

The applicant is requesting a site plan approval and requesting a recommendation for final plat approval for a Zion's Bank site within the Village at Old Farm development site. This site plan approval request constitutes phase 1 of the commercial portion of the development.

The site plan itself was required to adhere to the standards adopted for the NMU zone. Some of the standards the site plan was required to meet were larger setbacks from Main Street, additional landscaping requirements along the Main Street right-of-way, a prohibition of parking between the building and the street (Main St.) and a buffer from the adjacent residential development to

the south. The larger setback associated with Main Street was a result of a desire to limit the exposure of commercial facilities to Main Street and the residential area to the east of the Village at Old Farm development. As a result, the setback is 100 feet from the street right-of-way. The applicant has complied with this requirement as well as requirements for additional landscaping and parking restrictions. The “front” of the building remains toward Main Street with the drive-up lanes to the west of the building. In addition to the ordinance requirements, screening measures for dumpsters and rooftop equipment and aesthetic and architectural standards were reviewed by staff. Additional landscaping was proposed for the trash enclosure and ground-mounted mechanical equipment for better screening and the exterior of the proposed building is comprised of a “Farmington Rock” finish.

The site on which the applicant is proposing the bank will be excavated extensively from its current condition. The property, as it is now, has a house set out on a grade equal to the street right-of-way. The proposed grading will remove the elevation and drop the site to an elevation that more closely matches the elevation to the north and south of the existing home. The grade change will place the proposed building between 10 and 12 feet below the street right-of-way. The elevation change requires the City to more closely look at rooftop mechanical equipment and the aesthetics of the rooftop itself. Staff has spoken with the applicant and made them aware of the concerns and staff is proposing a condition that all rooftop mechanical equipment be screened.

The City Engineer has reviewed the plan and the adjacent intersection and has determined that a slight reconfiguration and restriping is needed to facilitate the development. The intersection of Somerset and Main Street will need dedicated left-turn lanes for maneuvers from Main Street to both the east and west. In addition, the engineer has determined that space for an additional two lanes may be required along Main Street and that the necessary area should be dedicated with the recordation of the plat.

#### *Final Plat*

The applicant is also requesting a recommendation for approval of a Final Plat for the creation of one lot on which to place the bank. The master plan for the area has been approved by the City and the location and potential subdivision of this property has been anticipated. A schematic plan approval is not necessary as this has been presented with the original plan for the Village at Old Farm development.

END OF PACKET MATERIAL

**Chairman Poff** introduced this Agenda item. **Glenn Symes** displayed an overhead map of the Site Plan for 1700 North Main and explained the gradings and elevations. The applicant was invited to address the Commission.

Developer **Mark Murdock**, 90 South 400 West, briefly explained the proposal and said he felt that the Zion's Bank proposal is a good one.

### **Public Hearing Opened**

**Chairman Poff** opened the meeting to a public hearing at 7:13 p.m. and invited public comments.

**Sharon Treu**, 931 West Northridge Road, reminded the Planning Commission that this development and its conditions were reached only after lengthy considerations back in 2004. It was then the intention of the City Council to give approval only if all of the conditions were met, and they are not now met. This proposed building does not meet the requirement of residential scale and character, there is not a hundred feet of buffering between the building and the street, road improvements that were originally required are not made, a signal is needed at the intersection, and each phase of the development was to meet all of the conditions. **Ms. Treu** said that it took two years to reach the standards of approval, and asked the Planning Commission to uphold them. She asked that the proposal be denied for further study, and that the developer be held to his promises.

**Amy Hayter**, 1752 Ramsgate Road, said she agreed with **Ms. Treu**. She opposes dividing the commercial phase of the development into multiple phases. There was to be a coherent and not a piecemeal commercial plan with various building appearances.

### **Public Hearing Closed**

**Chairman Poff** closed the public hearing at 7:24 p.m. and turned the matter over to the Commission for their consideration.

Developer **Mark Murdock** responded to the comments that were made. He said the building does meet the one hundred foot setback requirement. He said that there is a new traffic study showing less traffic because an intended grocery store will not be on the site. He is willing to work with the City on the installation of a traffic signal.

In response to questions by **Jim Young** and **Paul Barker**, **Mr. Murdock** said architectural design in the development will be consistent, and that Dave Dixon (the original architect) would be involved in the project if this was wanted by the Commission.

Architect **Jay Prescott**, representing Zion's Bank, was invited to speak, and he reviewed elevations for the bank building. **Steve Anderson** asked about residential scale and character, and **Mr. Prescott** said that the height of 25 feet is residential in scale, that the 4700 square feet is not too large, and that roof equipment will be screened from view.

**Chairman Poff** asked if the developer will pay for the traffic light when the City asked, and **Mark Murdock** said that he would cooperate.

**Steve Anderson** asked if all of the conditions for the commercial phase have been met, and **Mr. Murdock** said he will work with the staff to verify this. UDOT approval of the access is pending.

**Paul Barker** inquired concerning the historic Potter home, and **Mr. Murdock** did not know the status of that issue.

**Steve Andersen** requested that City Staff verify that all conditions have been met before approving the plan.

**Chairman Poff** asked **David Petersen** about landscaping around this first phase, and **Mr. Peterson** said the agreement does not address this issue. He said that questions remain about the sidewalk and a retaining wall in the residential phase.

**John Bilton** said that a comprehensive architectural and aesthetic theme is required for this kind of development. The entire Village at Old Farm was approved as a “Planned Center Development”. There is no plan for the Potter house, which is a required condition and defined as set forth in 11-20-030 (b) as follows:

Planned Center Development – An area of land, under unified control, master-planned for development of a mix of land uses that are internally complementary and are compatible with and complement surrounding land uses by utilizing effective site, structure, circulation and landscaping design in a coordinated manner.

### **Motion**

**John Bilton** made a motion to table the request for Conditional Use and Site Plan approval pending verification by Staff that conditions imposed in the development agreement and the May 7, 2007 letter have been met. **Rick Wyss** seconded the motion, which passed unanimously.

### **Motion**

**Rick Wyss** moved to table the recommendation for Final Plat approval for a minor subdivision, dividing the Zion’s Bank site from the remaining portion of the development. The motion was seconded by **Steve Andersen** and was unanimously approved.

**Steve Andersen** suggested an architectural study.

**Kevin Poff** commented that the Commission is not opposed to a bank in this location, but they want to ensure that hard-fought conditions are met.

**GARDNER DEVELOPMENT - (PUBLIC HEARING): APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL FOR A TEMPORARY SITE FOR THE OPERATION OF A TEMPORARY ZION'S BANK LOCATION AT APPROXIMATELY 1700 NORTH MAIN STREET. (Agenda Item #4)**

**Chairman Poff** said this item was now moot because of the action taken on the previous issue. Developer **Mark Murdock** withdrew the request. There was a discussion concerning a temporary bank building due to Zion's vacating from Smith's. No public hearing was held and no action was taken as the request was withdrawn.

**JSA PROPERTIES (BURT BROS.) - (PUBLIC HEARING): APPLICANT IS REQUESTING CONDITIONAL USE AND SITE PLAN APPROVAL FOR A PROPOSED BURT BROS. QUICK LUBE STATION ON PROPERTY AT APPROXIMATELY 1291 NORTH HIGHWAY 89 (SP-04-08). THE APPLICANT IS ALSO REQUESTING A RECOMMENDATION FOR SCHEMATIC PLAN APPROVAL FOR A MINOR SUBDIVISION AMENDING THE SHEPARD CROSSING SUBDIVISION DIVIDING THE QUICK LUBE SITE FROM LOT 2 OF THE RECORDED PLAT. (Agenda Item #5)**

**Background Information**

The applicant is requesting a conditional use and site plan approval for a Quick Lube station to the north of the existing Burt Bros. Tire Shop on Highway 89 and Shepard Lane. The applicant is also requesting a schematic plan approval for a minor subdivision amending the Shepard Crossing plat for the creation of an individual lot on which to build the Quick Lube.

The proposed Quick Lube station is planned to facilitate three bays at one time and is meant to compliment the services provided by the tire shop. The building is a single story facility with lighter earth-toned CMU and a band of "Farmington Rock" along the bottom portion of the building. The landscaping and parking requirements have dictated much of the site plan layout. Landscaping is required to be at least fifteen percent of the site and requires trees to be planted along any right-of-way frontage. In addition, a requirement that no parking be permitted in front of a building or within the front setback of a building dictates parking to the north of the building. This parking arrangement requires a cross-parking agreement with other property owners in the Shepard Crossing commercial area. The cross-parking agreement cannot diminish the required number of stalls for any of the other adjacent uses as the ordinance is written. To address this concern, the applicant has attached a parking table containing parking requirements for his property and as well as the adjacent uses. Based on the parking requirements, there does not appear to be a shortage of parking if the Quick Lube uses the proposed 12 stalls to the north of the proposed building.

## END OF PACKET MATERIAL

**Chairman Poff** introduced this item. **Glenn Symes** displayed an overhead map of the site. Burt Brothers wants to build a Quick Lube just north of their store on Highway 89. **Mr. Symes** reviewed the site plan, parking, and elevations of the proposal.

**Scott Smoot**, 335 West Sunset Circle, Centerville, spoke on behalf of the developer. He said that the Quick Lube may or may not be run by Burt Brothers once it is built.

### Public Hearing

**Chairman Poff** opened the public hearing at 8:00 p.m. There were no comments, and the hearing was closed.

**David Petersen** distributed a letter that had been received from a nearby resident, Nicole Green.

**Rick Wyss** said that he was concerned about the parking in that development. Burt Brothers uses more parking spaces around its business than it has allocated under the parking agreement, and the addition of the Quick Lube will make this problem worse. Also, there is a problem of people entering Burt Brothers through the Arby's parking lot.

There was a discussion of the parking agreement. **Paul Barker** asked if Staff was comfortable with the parking situation, and **Glenn Symes** replied that it was.

### Motion

**Steve Andersen** made a motion to recommend approval of a Conditional Use permit and the Site Plan for a Quick Lube station, subject to the following conditions:

1. The applicant secure and record a cross-parking agreement with the appropriate land owner to facilitate the required number of parking stalls for this use prior to final occupancy.
2. All rooftop mechanical equipment shall be screened from view and shall not be visible from the raised elevation of U.S. Highway 89.
3. The applicant completes all requirements for site plan approvals as well as all on-site and off-site improvement requirements to comply with City Engineer, Public Works, Fire Department, Planning Department, Storm Water Official, Central Davis Sewer District, and Benchland Water District. Any condition of site plan



approval shall also become a condition of the conditional use approval.

4. A cross parking agreement is needed, and action needs to be taken to prevent access to Burt Brothers from Arby's.

**Paul Barker** seconded the motion, which was unanimously approved.

### **Motion**

**Steve Andersen** made a motion that the Planning Commission recommend approval of a Schematic Plan amending the Shepard Crossing subdivision plat for the creation of a new lot for the development of the Quick Lube station. The motion was seconded by **Paul Barker** and passed unanimously.

### **Findings**

- a. The proposed use of the particular location is necessary and desirable and provides a service which contributes to the general well-being of the community;
- b. The proposed use complies with all regulations and conditions in the Farmington City Zoning Ordinance for this particular use;
- c. The proposed use conforms to the goals, policies, and principles of the Comprehensive General Plan;
- d. The proposed use is compatible with the character of the site, adjacent properties, surrounding neighborhoods and other existing development;
- e. The location provides or will provide adequate utilities, transportation access, drainage, parking and loading space, lighting, screening, landscaping and open space, fire protection, and safe and convenient pedestrian and vehicular circulation;
- f. The proposed use is not detrimental to the health, safety and general welfare of persons residing or working in the vicinity and does not cause:
  - (1) Unreasonable risks to the safety of persons or property because of vehicular traffic or parking;
  - (2) Unreasonable interference with the lawful use of surrounding property; and

- (3) A need for essential municipal services which cannot be reasonably met.

### **Reversing Agenda Items**

#### **Motion**

**Jim Young** made a motion to hear Agenda item #7 before #6, as #6 and #8 are related. **Steve Andersen** seconded the motion, which was unanimously approved.

### **FARMINGTON CITY - CONSIDERATION OF A RECOMMENDATION TO AMEND CHAPTER 39 OF THE ZONING ORDINANCE REGARDING HISTORIC BUILDINGS AND SITES (ZT-11-07). (Agenda Item #7)**

#### **Background Information**

There have been several important changes made to the ordinance from the last version presented to the Commission. The appeals process remains the primary focus of the most recent round of changes. As the ordinance was proposed previously, the appeals process outlined in the text changes dealt specifically with an appeal of a denial of a certificate of historic appropriateness. The changes being presented at the July 10<sup>th</sup> meeting expand the scope of the appeals process and hopefully simplify the different courses and different types of appeal.

The first of the changes made was to modify the designations of the “Community Development Department” to the “Zoning Administrator”. This change now comes under other existing provisions of the Zoning Ordinance in that appeals of ZA determinations always go to the Board of Adjustment as outlined in section 11-5-106. Since no such ordinance exists for the “Community Development Department”, this modification prevents addition text changes.

The second significant change was with regard to the location of the appeals section. The newly proposed ordinance displaces the appeal of a denial of the Certificate of Historic Appropriateness and becomes covered under the ZA determination ordinance. A new “Appeals” section has been proposed to more clearly outline the steps necessary for a proper appeal. Section 11-39-70 now contains appeals processes for ZA, Historic Preservation Commission and City Council decisions.

Unfortunately at the time of the staff report, no review of the proposed ordinance has been made by the City’s attorney. An update will be made at the meeting on July 10<sup>th</sup> to inform the Commission of a possible review.

## END OF PACKET MATERIAL

**Glenn Symes** reviewed the background of this ordinance revision, and said that these amendments change the title of "Community Development Department" to "Zoning Administrator". They also establish a modified appeal process for landowners. Staff is still waiting for word from the City Attorney on other issues.

Time was turned over to the Commission members who briefly discussed the ordinance and expressed their general approval.

### Motion

**Paul Barker** made a motion to recommend approval of the revised Chapter 39 Historic buildings and Sites ordinance to the City Council, subject to final review by the City Attorney. The motion was seconded by **Jim Young** and was approved unanimously.

### Findings:

- a. The revisions facilitate and define the historic designation and the appeal process in an orderly manner.
- b. The ordinance provides due process for property owners.

### **FARMINGTON CITY - (PUBLIC HEARING): CONSIDERATION OF A RECOMMENDATION TO AMEND CHAPTER 18 OF THE ZONING ORDINANCE REGARDING THE TOD (TRANSPORTATION ORIENTED DEVELOPMENT) ZONE (ZT-3-08). (Agenda Item #6)**

**David Petersen** distributed the latest draft of the proposed text changes, plus a copy of the proposed regulating plan. **Chairman Poff** said that because this draft was just now being received, no action will be taken at this meeting. **Mr. Petersen** described the preparation of the text, and said that he would like to receive input in a public hearing tonight. He announced that another public hearing will be held on July 31<sup>st</sup>. He feels the draft is 80-90% complete.

**Susie Petheram** of Cooper-Roberts-Simonsen Associates gave an introduction to the proposed ordinance changes. She said that it is essential to have a well planned street system, and that intense development be made along the main streets. She went briefly through each section of the ordinance.

### Recess

At 8:40 p.m., **Chairman Poff** called for a five-minute recess, which was seconded by **Rick Wyss** and approved unanimously. After a short recess, the meeting resumed.

**Susie Petheram** of CRSA displayed an overhead map showing the proposed street system for the TOD area. **Steve Andersen** asked whether the street proposal was flexible, and **Ms. Petheram** said it was fairly flexible.

### **Public Hearing Opened**

**Chairman Poff** opened the meeting to a public hearing at 8:55 p.m.

**Robert McConnell** of America West Developers said that he had not had a chance to review this draft because it was received just today. He will give more detailed input as soon as possible.

**Paul Bringham**, planner for Stantec Consulting, said he had not had time to review the draft, but in a cursory review he saw several red flags that need addressing. He thinks this plan is less than 80% ready. He asked whether the City had considered the long term cost of street maintenance. He has concerns with the street layout, including the fact that some streets are not perpendicular at the intersections. The City may need a geo-technical engineer to review the text, as the structured parking may be too heavy for the wet ground. He encouraged an opportunity for input from all stakeholders.

**Ron Martinez** questioned whether there is a conflict of interest by the City's traffic engineers. UDOT has said it will allow only one more access onto Park Lane and this proposal shows several more. He wants the subcommittee to disclose how much its work has cost.

Engineer **Ryan Hales** said he did not receive this proposal until today. Park Lane is a UDOT roadway and UDOT has resisted realignment and additional accesses. There is a problem of no street crossing Park Lane on the south side. The road angles do not meet AASHTO (American Association of State Highway and Transportation Officials) requirements. Too many streets cause an excess of asphalt, sewers, runoff, and maintenance.

**Scott Harwood**, 33 Shadow Breeze Road, Kaysville, representing Rich Haws and Associates, the owner of 80 acres within the TOD zone, said he will review and comment on the plan later.

**Craig Cummings**, said he was speaking as an interested resident. He said that he cannot comment because there is not a concrete proposal to consider, and he complained of the

process of approval and changes.

**David Petersen** explained that Staff invites comments from the public and that he appreciates those comments made tonight. He said that it is a flexible writing process. There will be a further revision by July 21<sup>st</sup>.

**Patrick Julian**, 1308 4<sup>th</sup> Avenue, Salt Lake City, said he represents the Hobson family at the end of Burke Lane. He wants to have an opportunity to give input after review of the draft.

**Chairman Poff** recommended that notice be given to all landowners within the TOD zone. It was discussed whether to extend that to include owners within 300 feet of the zone.

**Ron Martinez** asked about the July 31<sup>st</sup> hearing. **Chairman Poff** said it is intended to take a vote at that time. **Mr. Martinez** expressed frustration that this is too short a time and that the considerations are rushed. He said this raises due process issues.

### **Public Hearing Closed**

**Chairman Poff** closed the public hearing at 9:55 p.m. and asked the Commission for their comments.

**Steve Andersen** asked whether engineers are looking at the road system. **Susie Petheram** said Horrocks Engineering is reviewing this. **Mr. Anderson** asked if the weight of the structures on this ground has been studied, and **David Petersen** said this is usually done at the site plan stage. **Mr. Andersen** asked if this is the highest use of the land, and **Ms. Petheram** said that it is. **Mr. Andersen** asked if this proposed document is the best practice for this zone, and **Ms. Petheram** said that it is.

**Jim Young** asked whether it is assumed that revenues from his project will pay future street maintenance costs. **David Petersen** said that revenues from increased density will pay for the maintenance costs.

**Paul Barker** asked about the 20,000 square foot building size limitation, which may be too small for regional stores. **Susie Petheram** clarified that there is no 20,000 limit, but that it is wanted that larger retail stores should not disrupt the street grid system, and that adjacent buildings may need to be adjusted to compensate for very large retail sites.

**Chairman Poff** said that there will be further hearings on July 31<sup>st</sup>, and suggested lightening the Agenda for that meeting. He said there were concerns with traffic and buffering, and that the view for Park Lane may not be in the City's best interest. Park Lane should be much more rural.

**Motion**

**Steve Andersen** moved that the Planning Commission table the TOD text amendment for further discussion. **John Bilton** seconded the motion, which passed unanimously.

**Motion**

A motion was made and seconded to go beyond 10:00 p.m., and the Commission voted unanimously in favor.

**AMERICA WEST DEVELOPMENT - (PUBLIC HEARING): APPLICANT IS REQUESTING APPROVAL OF A PROJECT MASTER PLAN FOR APPROXIMATELY 12.86 ACRES OF PROPERTY LOCATED BETWEEN CLARK LANE, 1100 WEST AND THE FORMER D&RG. (Agenda Item #8)**

**Background Information**

America West submitted its Park Place PMP application to the city on Wednesday, June 25, 2008. Nevertheless, the City previously started the process to amend the TOD zone and held its first public hearing regarding such changes on March 13, 2008. It is the understanding of planning staff that the Planning Commission may defer review of this application until TOD text amendments are complete pursuant to Section 10-9a-509 of the Utah State Code.

Other options available to the Commission include, among other things, to consider the application based on the standards of the existing ordinance or encourage the applicant to work with the City to modify their plan based on standards set forth in what may become an amendment to the ordinance. This possible amendment continues to be a work in progress as a subcommittee established by the City has been working with a consultant - Cooper, Roberts, Simonsen, and Associates (CRSA) - for about three weeks and the first draft of the proposed text changes will be presented to the Planning Commission at a public hearing at the same meeting as this staff report on July 10, 2008. The applicant is willing to share information that they have gathered to assist the City during the text amendment process (see enclosed letter from Robert McConnell, July 2, 2008). The aforementioned options are presented below, but city staff recommends the last option.

## END OF PACKET MATERIAL

**Chairman Poff** introduced this Agenda item. **David Petersen** reviewed the possible motions that could be made. He explained the proposal and discussed possible changes. It needs to be confirmed what can be done over the gas pipeline which crosses the site.

City Engineer **Paul Hirst** was invited to provide input, and said an additional two-million gallon reservoir may be needed to provide water to all West Farmington development, which will cost about \$8 million, if developments now contemplated by America West and Shivas become a reality. He estimated that current water supplies can meet only about half of this potential development. This was discussed. **Mr. Hirst** said that the sewer district has not approved this project and is reviewing the sewer situation at this site. If the America West and Shivas development occur as proposed major upgrades to the sewer system shall be necessary. The City may require greater sewer and water impact fees for the area pending further study.

**Robert McConnell** of America West Development said that it will pay all applicable impact fees. This proposal should be considered under existing ordinances, and not under the proposed ordinances. Upon questioning from **Steve Andersen**, **Mr. McConnell** said that more than 180 days has passed since the application was made and so the future ordinance issue was closed. **David Petersen** disagreed with this analysis and said that the 180 days did not start running until March, so the time is still open.

### Public Hearing Opened

**Chairman Poff** opened the public hearing at 10:37 p.m.

**Paul Bringhurst** said that the gas pipeline issue is about resolved, and that the gas company agrees to a 44 foot easement with street and parking over the line. He discussed staff comments on the project one by one. **Mr. Bringhurst** said that parking next to the street is permitted if it is screened, that density is calculated on the basis of the entire project and not just the residential area, and that credit union parking can be adjusted. Even if density is reduced, this will not reduce the number of buildings.

Stantec Engineer **Jacob Jensen**, 3995 South State Street, Suite 300, Salt Lake City, said that there is sufficient water capacity for the density proposed, and that the sewer district is reviewing the sewer capacity. He said sewer issues can be addressed at the building permit stage. Storm drains are adequate for the project.

**Robert McConnell** said they want to move forward, and that they believe the existing ordinance should be applied, but are willing to accept some modifications.

**Public Hearing Closed**

**Chairman Poff** closed the public hearing at 10:50 p.m.

**Chairman Poff** said that the proposed density exceeds that allowed by TOD ordinances. **Paul Bringhurst** disagreed. There was a discussion of the issue, and of the impact of the nearby fairgrounds on this project.

There was discussion concerning feedback from nearby residents, rentals in secondary zoning, and the 180 day limit on applying pending ordinances. **David Petersen** said that this proposal is close to complying with the proposed TOD ordinance, and that only the credit union building is out of compliance. **Susie Petheram** agreed with this.

**John Bilton** asked about elevations on the buildings. **Ron Martinez** said these are not ready at this stage of the development but will be ready later.

**Motion**

**Jim Young** made a motion to recommend to the City Council approval of the Project Master Plan, subject to the following conditions:

1. The developer is to work with staff for substantial compliance with the proposed ordinance;
2. Credit union parking is to be moved to the back;
3. Drive-through access is to be moved, and the doors will face the street;
4. Two or three trail connections are to be established; and
5. The applicant is to obtain written approval from the gas company.

**Paul Barker** seconded the motion, which passed unanimously.

**Findings:**

- a. The proposal fits the current zone and is similar to what was being proposed in the revised zone.
- b. The proposal is in the spirit of the revised draft.



- c. The proposed density is allowed in this zone when calculated to include the entire project.
- d. Residential density, in the TOD zone is determined by “net” area, however, the ordinance provides flexibility to allow densities greater than 18 units per net acre as follows:
  - (i) Density calculations may be averaged over an entire parcel, including any areas otherwise un-buildable, provided that compensating areas of open space, outdoor play areas, and/or community facilities are provided.
  - (ii) If a project contains a generous mix of uses, the City may consider densities higher than 18 dwelling units per acre.
  - (iii) It is customarily appropriate to determine density on a “gross” acre basis in PUD’s elsewhere in the City.
- e. The use of the fairgrounds should not be impeded in anyway because of the addition of nearby residential units.

**MISCELLANEOUS, CORRESPONDENCE, ETC. (Agenda Item #9)**

- a. **Kyle McMullin, Bart Hill request for zone change**
- b. **Other**

**Dave Petersen** explained that the McMullins and Hills are requesting a zone change in Farmington Bay Phase 1, from R-2 to R, in order to restrict rental or multi-family situations. The Commission discussed precedence and the possibility of being discriminatory.

The Commission also briefly discussed landscaping and a fencing request by an HOA.

The developer of the Meadow View Subdivision was present to explain his proposal concerning garage frontage on the homes in the development. The Commission members examined pictures and floor plans from the project and were tentatively agreeable to having no more than 20 percent of the homes in the development vary from the 30 percent limit on garage frontages. **David Petersen** said the developer wants Final Plat approval on the 31<sup>st</sup>.

**ADJOURNMENT**

**Steve Andersen** moved to adjourn. **John Bilton** seconded the motion, which passed unanimously. The meeting adjourned at 11:45 p.m.

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***Kevin Poff, Chairman***  
***Farmington City Planning Commission***